

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

STATE OF MISSISSIPPI; STATE OF  
ALABAMA; STATE OF ARKANSAS;  
COMMONWEALTH OF KENTUCKY;  
STATE OF LOUISIANA; STATE OF  
MISSOURI; and STATE OF MONTANA,  
*Plaintiffs,*

v.

XAVIER BECERRA, in his official  
capacity as Secretary of Health and  
Human Services; THE UNITED  
STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
CHIQUITA BROOKS-LASURE, in her  
official capacity as Administrator of the  
Centers for Medicare and Medicaid  
Services; THE CENTERS FOR  
MEDICARE AND MEDICAID  
SERVICES; THE UNITED STATES  
OF AMERICA,  
*Defendants.*

No. 1:22-cv-113-HSO-RPM

**PROPOSED INTERVENORS' UNOPPOSED MOTION FOR LEAVE TO  
PARTICIPATE IN THE TELEPHONIC STATUS CONFERENCE ON MAY 24, 2023**

The Greensboro Health Disparities Collaborative and the NAACP State Conferences for Alabama, Arizona, Arkansas, Kentucky, Louisiana, Missouri, Mississippi, and Montana ("Proposed Intervenor") respectfully request leave to participate in the telephonic status conference scheduled for Wednesday, May 24, 2023. In support of this motion, Proposed Intervenor state as follow:

1. On May 11, 2023, Defendants filed their answer to Plaintiffs' amended complaint. ECF No. 59. The same day, Proposed Intervenor sought to intervene as of right under Federal

Rule of Civil Procedure 24(a). ECF Nos. 61, 62. Proposed Intervenor sought in the alternative to permissively intervene under Federal Rule of Civil Procedure 24(b). *Id.*

2. The parties' response to Proposed Intervenor's motion to intervene is currently due Thursday, May 25, 2023. S.D. Miss. L.R. 7(b)(4). If the parties file responsive briefing on May 25, Proposed Intervenor's reply brief will be due seven days later, on June 1, 2023. *Id.*

3. On May 18, 2023, the parties filed a Joint Scheduling Report. ECF No. 69. Both parties indicated that they intend to request a short extension to respond to Proposed Intervenor's motion to intervene. *Id.* at 1, 3. Plaintiffs also indicated that they intend to file an early motion for summary judgment by June 2, 2023. *Id.* at 2.

4. On May 19, this Court scheduled a telephonic status conference for May 24, 2023 at 9:00 a.m. before Magistrate Judge Robert P. Myers, Jr. Per the Court's Order, Plaintiffs are to call Judge Myers' chambers "with all necessary counsel on the line."

5. Counsel for Proposed Intervenor request to be designated as "necessary counsel" for the May 24 status conference. Absent Proposed Intervenor's participation, the parties may agree to a schedule that jeopardizes Proposed Intervenor's intervention and right to participate in this matter. Plaintiffs' proposed schedule illustrates this risk, seeking to expedite briefing on summary judgment while delaying briefing on intervention. If the Court accepts Plaintiffs' proposed schedule, the parties' request to extend their time to respond to intervention will interfere with this Court's ability to resolve the pending intervention motion in time for Proposed Intervenor to participate in the summary judgment briefing. Thus, an order allowing Proposed Intervenor's participation in the status conference would serve the interests of justice.

6. Proposed Intervenor have conferred with counsel for Plaintiffs and Defendants, who indicate that they do not oppose Proposed Intervenor's participating in the May 24 status

conference, but are not waiving their right to oppose intervention or suggesting that intervention is appropriate.

Respectfully submitted, this 23rd day of May, 2023.

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*Counsel for Intervenors*

*\* Pro Hac Vice Applications Forthcoming*

**CERTIFICATE OF SERVICE**

I certify that on May 23, 2023, the foregoing document was filed on the Court's CM/ECF system which sent notification of such filing to all counsel of record.

/s/ Robert B. McDuff